

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

2007 SEP 5 15 21 CALIFORNIA

UNITED STATES OF AMERICA

v.

MANUEL JUAREZ
a/k/a MANUEL SANTIAGO JUAREZ

(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK

U.S. DISTRICT COURT
NO. DIST. OF CAL.

CRIMINAL COMPLAINT

CASE NUMBER:

07-70522

PVT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 4, 2007 in Santa Clara county, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense) knowingly transfer an identification document of the United States to another person knowing that such document was produced without lawful authority,

in violation of Title 18 United States Code, Section(s) 1028(a)(2)

I further state that I am a(n) ICE Special Agent and that this complaint is based on the following facts:

Official Title

Please see attached affidavit

Penalties: 15 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

No Bail Warrant Requested

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved
As To
Form:

AUSA: SUSAN KNIGHT

Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

September 5, 2007

Date

at

San Jose, CA

City and State

Honorable Patricia V. Trumbull
United States Magistrate Judge

Name & Title of Judicial Officer

Patricia V. Trumbull

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT CHARGING
MANUEL JUAREZ
A/K/A MANUEL SANTIAGO JUAREZ
WITH VIOLATING 18 U.S.C. § 1028(a)(2)

I, Wendell Wright, as a duly sworn federal law enforcement officer, hereby
depone and state as follows:

Affiant Background and Purpose

1. I am a Special Agent ("SA") with the United States Immigration and Customs Enforcement (ICE) and have been so employed since September of 2002. I am currently assigned to the Assistant Special Agent in Charge San Jose Office (ASAC/San Jose). I am currently assigned to the Work Site Enforcement Unit within the Office of Investigations in San Jose, California. I am responsible for enforcing federal criminal statutes as well as statutes relating to U.S. Customs and Immigration Law. I have received training and actual experience relating to Federal Criminal Procedures, Federal Statutes, U.S. Customs and U.S. Immigration regulations. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigation Training Program and the United States Customs Officer Basic Enforcement School, in Brunswick, Georgia. Prior to becoming a Special Agent, I served as a U.S. Customs Inspector for 10 years.
2. This affidavit establishes probable cause to arrest MANUEL JUAREZ a/k/a MANUEL SANTIAGO JUAREZ for fraud and related activity in connection with identification documents, in violation of 18 U.S.C. § 1028(a)(2). This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Facts Supporting Probable Cause

3. On September 4, 2007, during a multi-jurisdictional task force operation targeting false document trafficking in San Jose, California, persons later identified as MANUEL JUAREZ and JUAN CARLOS MAGANA were observed by California Department of Motor Vehicles (DMV) Investigators Sara Scott and John Pavao conducting what appeared to be a fraudulent document transaction in the Tropicana Market parking lot, located at the intersection of Story Road and King Road. This area is the subject of prior investigations and is known throughout the Bay Area as a place to obtain fraudulent identification documents. Investigator Scott observed six males including JUAREZ meet with MAGANA. Investigator Scott observed one of the men, later identified as JUAREZ pass a white document to MAGANA, which through her experience investigating the trafficking of counterfeit documents, she believed to contain an identification document. Investigator Scott then observed MAGANA give cash to JUAREZ and observed MAGANA review the contents of the envelope. Investigators Scott and Pavao then observed MAGANA enter and depart in a black GMC Suburban, CA

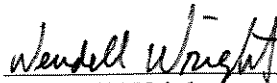
license plate 4HAK000, and observed JUAREZ enter the La Placita Mall. Investigator Scott radioed this information to the task force. Officers from the San Jose Police Department (SJPd) responded and arrested both JUAREZ and MAGANA. Through prior surveillances, Investigators were aware of JUAREZ'S illegal document activities, but were not able to identify JUAREZ until the time of the arrest. During a post-arrest search of MAGANA, a suspected fraudulent Permanent Resident Card in his name was seized as evidence.

4. Later on September 4, 2007 at the SJPd processing center, I read MAGANA, who speaks and understands English, his Miranda rights which he voluntarily waived. I and Social Security Administration (SSA) SA Gary DaSilva interviewed MAGANA and he provided the following information, in sum and substance: he was born in Mexico and is in the United States illegally; earlier that day he drove to the Tropicana Market in his black 1999 GMC Suburban to purchase a green card; he was immediately approached by a person on foot later identified as JUAREZ who asked MAGANA what type of document he wanted; MAGANA told JUAREZ that he wanted a green card and JUAREZ asked MAGANA to follow him to the Sporting Feet store; JUAREZ arranged for a photo to be taken of MAGANA; JUAREZ then asked for MAGANA'S name and one-hundred dollars to which MAGANA complied; ~~MAGANA~~ ^{JUAREZ} said that he will call MAGANA in two hours to pick up the document; MAGANA never left the Tropicana parking lot and approximately three hours later, JUAREZ approached MAGANA and gave him the alien card within a white envelope; MAGANA gave JUAREZ another one-hundred dollars and departed in his vehicle.
5. SA DaSilva and Diplomatic Security Service (DSS) SA Paul Comforti presented a photo array of six individuals to MAGANA. Prior to viewing the photo array, the Agents gave MAGANA a law enforcement admonishment regarding the photo array. MAGANA positively identified JUAREZ as the person who sold him the Permanent Resident Card found on his person by police earlier that day.
6. Also on September 4, 2007 at the SJPd processing center, I read JUAREZ his Miranda rights while SJPd officer JJ Vallejo translated them to Spanish. JUAREZ acknowledged that he understood and voluntarily waived his Miranda rights. DSS SA Justin Diaz and SA DaSilva then interviewed JUAREZ, who stated the following, in sum and substance: he was born in Mexico and is in the United States illegally; he works at the Tropicana Market parking lot selling fraudulent identification documents; he sold fraudulent Permanent Resident Cards to three different individuals earlier that day; when presented with the fraudulent Permanent Resident Card recovered from MAGANA, he stated that he had sold this card to MAGANA today.
7. After obtaining the resident alien card that was in MAGANA'S possession, I reviewed the card. The card is entitled "Permanent Resident Card" and contains MAGANA'S photograph and a fingerprint. The card is of substandard quality as most of the details on the card are blurry in nature. I contacted the ICE Law

Enforcement Support Center and was informed that the resident alien card number was valid, but not assigned to MAGANA.

Conclusion

8. Based on the facts and information detailed in the affidavit, I believe probable cause exists that MANUEL JUAREZ committed fraud and related activity in connection with identification documents, in violation of 18 U.S.C. § 1028(a)(2), when he knowingly transferred a false Permanent Resident Card to JUAN CARLOS MAGANA, knowing that such document was produced without lawful authority. As such, I respectfully request a warrant for his arrest.



Wendell Wright

Special Agent

Immigration and Customs Enforcement

SUBSCRIBED AND SWORN BEFORE ME
ON SEPTEMBER 5, 2007



PATRICIA V. TRUMBULL

U.S. Magistrate Judge

Northern District of California